

1  
2  
3  
4  
5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 WILLIAM DAVENPORT,

9 Plaintiff,

10 v.

11 KELLY CUNNINGHAM, et al.,

12 Defendants.  
13

Case No. C10-5583BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

14 This matter comes before the Court on the Report and Recommendation (“R&R”) of  
15 the Honorable Karen L. Strombom, United States Magistrate Judge (Dkt. 52) and Plaintiff  
16 William Davenport’s (“Davenport”) response to the R&R.


17 On July 8, 2011, Defendants Kelly Cunningham, Cathy Harris, Henry Richards,  
18 Willie Stodard, and Darold Weeks filed a motion for summary judgment. Dkt. 39. On  
19 October 24, 2011, Judge Strombom issued the R&R recommending that the Court grant the  
20 motion for summary judgment, dismiss Davenport’s remaining federal claims for lack of  
21 jurisdiction, and dismiss Davenport’s remaining state claims without prejudice. Dkt. 52. On  
22 November 14, 2011, Davenport responded. Dkt. 53.

23 The district judge must determine de novo any part of the magistrate judge’s  
24 disposition that has been properly objected to. Fed. R. Civ. P. 72(b)(3). Davenport’s  
25 response is a statement of his displeasure with his conditions of confinement and his  
26 conclusion that he does not have fair access to the courts. *See* Dkt. 53. Davenport fails to  
27 specifically object to any portion of the R&R.

Therefore, having considered the R&R and the remaining record, the Court does hereby find and order as follows:

- (1) The R&R is **ADOPTED**;
- (2) The motion for summary judgment is **GRANTED** because Davenport has failed to meet his burden to establish a question of material fact;
- (3) Davenport's federal claims are **DISMISSED**;
- (4) Davenport's state law claims are **DISMISSED without prejudice**; and
- (5) This action is **DISMISSED**.

DATED this 20th day of December, 2011.

  
BENJAMIN H. SETTLE  
United States District Judge